



RECEIVED

MAY 21 2008

LORETTA A. PRESKA
U.S. DISTRICT JUDGE
S. D. N. Y.

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

ELIZABETH M. DAITZ
Assistant Corporation Counsel
E-mail: edaitz@law.nyc.gov
Phone: (212) 788-0775
Fax: (212) 788-9776

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/22/08

May 20, 2008

BY HAND

The Honorable Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Amadou Diallo v. City of New York, et al., 08 Civ. 4390 (LAP)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter in which plaintiff alleges, *inter alia*, that he was falsely arrested. Defendant City respectfully requests an extension of time to answer or otherwise respond to this complaint from May 29, 2008 until July 28, 2008. Plaintiff has consented to this request.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal actions, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution consents and authorizations for the release of sealed arrest and criminal prosecution records so that defendant can access the information, properly assess the case, and respond to this complaint.

No previous request for an extension has been made by defendant City. Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended to July 28, 2008.

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

May 21, 2008

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elizabeth M. Daitz", with a stylized flourish at the end.

Elizabeth M. Daitz
Assistant Corporation Counsel

cc: Joel Berger, Esq (via fax)